

F:\LEGAL\DJF\40824-Pichardo-NYU\40824-Rule 26 Disclosure.wpd

GOLDBERG & ASSOCIATES  
*Attorneys for Defendant NYU*  
39 Broadway, 17<sup>th</sup> Floor  
New York, New York 10006  
Tel: 212-968-2300  
Fax: 212-968-2400  
[dfox@g-alaw.com](mailto:dfox@g-alaw.com)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
CASE NO.: 07-cv-6034

JULIA A. PICHARDO,

Plaintiff,

-against-

NEW YORK UNIVERSITY and  
JANE DOE - Student,

Defendants.

**DEFENDANT NYU'S INITIAL  
RULE 26(a) DISCLOSURE**

**C O U N S E L:**

PLEASE TAKE NOTICE, that Defendant NEW YORK UNIVERSITY ("NYU"), by and through its attorneys in this action, GOLDBERG & ASSOCIATES, as and for its Initial Disclosure pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, alleges as follows:

A. Witness Information. Defendant NYU is not presently aware of any individuals other than the parties to this action who are likely to have discoverable information that will support Plaintiff's claims and/or NYU's defenses, other than:

- i The parties to this action;

- ii Those healthcare providers and mental-healthcare provider who furnished and/or claim to have furnished services to Plaintiff following the alleged accident giving rise to the instant action, (the “Subject Occurrence”), and who have yet to be identified by Plaintiff;
- iii Those healthcare and mental-healthcare providers who furnished services and/or claim to have furnished services to Plaintiff prior to the Subject Occurrence; and
- iv Any individual who may otherwise be identified in the records as a source of healthcare or mental healthcare to Plaintiff herein.

B. Document Production. NYU cannot presently identify any documents available for production because critical facts including the alleged cause, precise location and nature of Plaintiff’s claim are not yet known.

C. Damage Computation. Defendant NYU is not presently aware of any damages heretofore sustained by Defendant relevant to the instant action, and therefore is unable at this time to furnish a computation and/or categorization of damages claimed, and/or other material set forth in Federal Rule of Civil Procedure 26(a)(1)(C).

D. Insurance Documents. Defendant NYU is self-insured up to a level, upon information and belief, substantially in excess of Plaintiff’s damage claims in the instant action.

PLEASE TAKE FURTHER NOTICE that Defendant NYU’s investigations are on-going, and NYU reserves its right to amend and/or supplement the foregoing responses based upon the results of NYU’s on-going investigations, document search, and analysis.

Dated: New York, New York  
August 30, 2007

Respectfully submitted,

**GOLDBERG & ASSOCIATES**

By:           /s/ Daniel J. Fox            
DANIEL J. FOX (DF4765)  
*Attorneys for Defendant NYU*  
39 Broadway, 17<sup>th</sup> Floor  
New York, NY 10006  
(212) 968-2300

TO: Thomas M. DeSimone, Esq.  
Joseph T. Mullen, Jr. & Associates  
30 Vesey Street, 15<sup>th</sup> Floor  
New York, NY 10007  
212-766-1177

**AFFIDAVIT OF SERVICE BY MAIL**

[illegible]

I, **CARLOS VASQUEZ**, being duly sworn deposes and says:

I am not a party to the action, am over 18 years of age and reside in New York County, New York.

On August 30, 2007, I served the within **RULE 26 DISCLOSURE STATEMENT**, by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service with New York State, addressed to each of the following persons at the last known address set forth after each name.

TO: Thomas M. DeSimone, Esq.  
Joseph T. Mullen, Jr. & Associates  
30 Vesey Street, 15<sup>th</sup> Floor  
New York, NY 10007  
212-766-1177

*/s/ Carlos Vasquez*  
**CARLOS VASQUEZ**

Sworn to before me on this  
30<sup>th</sup> day of August, 2007

/s/ William Grae, Esq.  
Notary Public